



H.R. 3890 – To amend the Burmese Freedom and Democracy Act of 2003 to waive the requirement for annual renewal resolutions relating to import sanctions, impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes.

FLOOR SITUATION

H.R. 3890 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Tom Lantos (D-CA) on December 7, 2007. The bill was referred to the Committee on Ways and Means, but was not considered.

H.R. 3890 is expected to be considered on the floor on December 11, 2007.

BACKGROUND

On August 15, 2007 Burma's ruling military junta, the State Peace and Development Council (SPDC), cancelled fuel subsidies resulting in the quintupling of the price of fuel which had an immediate impact on the living conditions of the Burmese people and Burma's already devastated economy.

In reaction to this government action, student and democracy leaders took to the streets to protest the actions of the military junta. The tens of thousands of peaceful protestors demanded the release of Daw Aung San Suu Kyi, the Democratically elected Prime Minister of Burma, who has been under house arrest since her election.

These peaceful protests, often led by Buddhist monks, were met with brutal action from the Burmese military. The Burmese military opened fire on unarmed protestors and have arrested and imprisoned countless others. The Burmese regime mobilized armed soldiers to stop the protests and has stationed them in strategic locations throughout the country, including in religious centers, making it impossible for peaceful protestors to gather.

On October 19, 2007, President George W. Bush announced additional sanctions against the leaders of Burma's military regime. ([White House Fact Sheet: Burma Sanctions](#))

**Note: First Lady Laura Bush participated in a video teleconference in recognition of International Human Rights Day, December 10, 2007, where she outlines several of the Human Rights atrocities conducted by the Burmese military regime and highlights the effect of some U.S. imposed sanctions on Burmese military leaders. ([First Lady Laura Bush's Remarks](#))*

Burma is ruled by a military junta that has committed numerous human rights violations against the Burmese people. According to the U.S. State Department website, Burma is designated as a Country of Particular Concern (CPC) under the International Religious Freedom Act due to the limits placed on religious freedom and a Tier 3 Country in the Trafficking of Persons Report because of its use of forced labor.

SUMMARY

The bill eliminates a renewal requirement for the sanctions provided in the Burmese Freedom and Democracy Act. The bill would require the sanctions to be terminated through a joint resolution or by the President.

**Note: Under current law, a renewal resolution would have to be enacted annually or the democratically elected government in Burma could request the removal of the sanctions.*

The bill would also expand the ban on the importation of any article from Burma to include any gemstone, pearl, or rough unfinished geological or mineral material mined or extracted from Burma, whether imported as a loose item or as any part or component of a finished piece of jewelry.

The bill would also deny the issuance of a visa to any of the following (or their family members):

- former and present leadership of the SPDC or the Union Solidarity Development Association;
- any member of the Burmese military involved in the violent repression of the public protests in Burma in August, September, and October 2007;
- any Burmese official who has engaged in, ordered, or facilitated acts of gross violations of internationally recognized human rights

**Note: Under current law, only former and present leadership of the SPDC or the Union Solidarity Development Association would be denied a visa.*

The President is also provided authority to waive the visa restrictions if it is in the “national interests of the United States.”

The bill also requires the President to block all assets that are owned by any former or present leadership of the SPDC or the Union Solidarity Development Association that are in the United States or in the possession of the U.S. government or U.S. financial institution. This would include a ban on all contracts, payments, transfers of property, loan, and export / import of their property. However, these restrictions would not apply to medicine, medical equipment or supplies, food, or any other form of humanitarian assistance provided to Burma as relief in response to a humanitarian crisis.

The bill also allows the President to block all property (with the same authority used to block those providing support to terrorists) of persons that are associated with any of these individuals or those that provide support to them.

The bill also prohibits any deduction or tax credit with respect to amounts paid or incurred with respect to the Burmese Government, the SPDC, or a joint production agreement relating to the Yadana gas field or pipeline

Additionally, the bill authorizes \$20 million for Fiscal Years 2008 and 2009 in order to assist humanitarian workers and human rights and democracy advocates in Burma.

The bill also requires the Secretary of State to report to Congress within 180 days with a list of countries, companies, and other entities that provide military or intelligence aid to the SPDC and a description of the aid provided.

STAFF CONTACT

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